

Amendment No. 51 to HB7001

**Maddox
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AMEND Senate Bill No. 7001*

House Bill No. 7001

By deleting the following language from an unnumbered SECTION of the bill as amended by HA 7041, House Finance, Ways and Means Committee Amendment No. 1 (012933) on pages 28-29, in its entirety:

SECTION __. Tennessee Code Annotated, Section 8-35-124(a), is amended by adding the following new subdivision at the end thereof:

(3) Notwithstanding any other law to the contrary, each time a person is elected to a public office of this state or any political subdivision thereof, such person shall, as a condition of such election, be deemed to consent and agree to the forfeiture of such person's retirement benefits from the Tennessee consolidated retirement system, any superseded retirement system or any other public pension system if such person is convicted in any state or federal court of a felony arising out of that person's official capacity, constituting malfeasance in office. Notwithstanding the provisions of § 8-35-124(e) or any other law to the contrary, this subdivision (a)(3) shall apply regardless of the date the person became a member of the public pension system, such person having consented to the provisions of this subsection as a condition of such election.

If the provisions of this SECTION are declared to be invalid by a court of competent jurisdiction, and such determination has become final, then the former provisions of § 8-35-124, as such section existed immediately prior to the effective date of this act, shall be revived and be in full force and effect as if such provisions had remained in full force and effect at all times. Notwithstanding any provision of this act to the contrary, the provisions of this SECTION shall take effect upon becoming law, the public welfare requiring it.

AND by substituting instead the following language:

SECTION __. Tennessee Code Annotated, Section 8-35-124(a), is amended by adding the following new subdivision at the end thereof:

(3) Notwithstanding any other law to the contrary, each time a person is elected to a public office of this state or any political subdivision thereof, such person shall, as a condition of such election, be deemed to consent and agree to the forfeiture of such person's retirement benefits from the Tennessee consolidated retirement system as a result of such person's election if such person is convicted in any state or federal court of a felony arising out of that person's official capacity, constituting malfeasance in office; provided, however, that any such other retirement benefits from the Tennessee consolidated retirement system, any superseded retirement system or any other public pension system which vested prior to the date of such person's election shall not be subject to forfeiture. Notwithstanding the provisions of § 8-35-124(e) or any other law to the contrary, this subdivision (a)(3) shall apply regardless of the date the person became a member of the public pension system, such person having consented to the provisions of this subsection as a condition of such election.

If the provisions of this SECTION are declared to be invalid by a court of competent jurisdiction, and such determination has become final, then the former provisions of § 8-35-124, as such section existed immediately prior to the effective date of this act, shall be revived and be in full force and effect as if such provisions had remained in full force and effect at all times. Notwithstanding any provision of this act to the contrary, the provisions of this SECTION shall take effect upon becoming law, the public welfare requiring it.

AND FURTHER AMEND by adding the following language as a new section:

SECTION __. Tennessee Code Annotated, Section 8-35-124(e), is amended by adding the following language:

The provisions of subdivision (a)(3) apply only to persons who become elected members of public pension plans after the effective date of this SECTION.